

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION**

DANNY W.L. HUDSON, Jr.,
Plaintiff,

vs.

PHYLLIS P. LEE, individually
and as City Manager of the
City of Roanoke Rapids;
GARY CORBET, individually
and as Fire Chief of the City
of Roanoke Rapids; and the
CITY OF ROANOKE RAPIDS,
Defendants.

JUDGMENT

Case No. 4:10-CV-2-F

Decision by Court:

IT IS ORDERED, ADJUDGED AND DECREED that the Defendants' Motion to Dismiss [DE-6] is allowed as to the following claims and they are dismissed with prejudice:

the federal equal protection claim against all defendants; the federal due process claim against all defendants; the North Carolina wrongful discharge claim against defendants Phyllis P. Lee and Gary Corbet in both their official and individual capacities; and the North Carolina equal protection claim against all defendants.

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IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Defendants' Motion for Summary Judgment [DE-30] is allowed as to the remaining claims:

Plaintiff's federal constitutional "free speech" claim as against the City of Roanoke Rapids, North Carolina, and against Phyllis P. Lee and Gary Corbet in their individual capacities; Plaintiff's North Carolina constitutional "free speech claim" as against the City of Roanoke Rapids; and Plaintiff's North Carolina wrongful discharge claim as against the City of Roanoke Rapids.

The defendants' Motion for Summary Judgment on grounds of qualified immunity [DE-30] is DENIED as moot and this action is dismissed.

THE ABOVE JUDGMENT WAS ENTERED ON 5/31/2011, with a copy served upon:

(via CM/ECF electronic notification)

James Niels Jorgensen - Counsel for Plaintiff

Dan McCord Hartzog, Jr. - Counsel for Defendants

Patrick Flanagan - Counsel for Defendants

DENNIS P. IAVARONE, CLERK

May 31, 2011

/s/ Shelia D. Foell

(By) Deputy Clerk